

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37716 of 2018

Arising Out of PS. Case No.-2873 Year-2016 Thana- SARAN COMPLAINT CASE District-
Saran

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Anup Dayal S/o Late Rajendra Prasad, R/o Vill.- Ayodhyapuri, Gate No. 2,
P.S.- Muffasil in the District of Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hareram Singh
For the Opposite Party/s : Mr. Sri Mustaque Alam

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-06-2018 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case where in process has been directed to be issued after cognizance being taken for the offences punishable under sections 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The accusation is of torture after two years of marriage and admittedly the complainant was driven out of the matrimonial house on 30.03.2014.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and the petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in



paragraph 7 of the petition which reads as follows:-

“That it is submitted that the petitioner is husband of the complainant and he is ready to keep his wife with full protection, love and due regard.”

It is further submitted that the similar was the stand of the petitioner before the learned court below which gets reflected from the impugned order.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Saran at Chapra in connection with Complaint Case No. 2873 of 2016, subject to the conditions as laid down under Section 438(2) Cr. PC.

Let the learned court below issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored, or (ii) if the



complainant fails to appear before the learned court below, or
(iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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